

FILED
APR 18 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

In Re:

MC 11-9081

ROMAN CATHOLIC ARCHBISHOP OF
PORTLAND IN OREGON

OPINION AND
ORDER

PAPAK, Magistrate Judge:

This action was filed March 24, 2011, for the sole purpose of obtaining the court's approval of a settlement subject to the future claims trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *In re Roman Catholic Archbishop of Portland ("RCAP")*, 04-37154. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1334(b), based on the relatedness of these proceedings to *RCAP*, a case arising under Title 11 of the United States Code. The Plan sets a \$20 million cap on the total funds available to pay all claims made against the Archdiocese through 2023. Now before the court is the unopposed motion (#1) filed by Roman Catholic Archbishop of Portland in Oregon (the "Archbishop") for approval of the settlement of the dispute between the Archbishop and

interested party/claimant NS, and to approve payment from the future claims trust. For the reasons set forth below, the motion is granted and the settlement is approved.

The parties underwent mediation of their dispute on December 2, 2010, and February 15, 2011, and reported the settlement of this action as of March 24, 2011. Under the terms of the reported settlement, NS will receive \$225,000 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to NS out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against the Archbishop, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On March 24, 2011, the Archbishop served the requisite notice by mail on all of the necessary parties. The period for filing objections to this court's approval of the parties' settlement lapsed April 17, 2011. No objection to this motion has been filed.

In the absence of objection by any interested party, and in consideration of the size of the payments at issue relative to the amount remaining in the future trust fund, I find no reason exists to refuse approval of the parties' settlement. The Archbishop's motion is therefore granted, and the settlement approved.

CONCLUSION

For the reasons set forth above, the motion (#1) to approve the settlement of this case and

to approve payment from the future claims trust is granted, the settlement agreed to by the parties is approved, and payment to NS of \$225,000 from the future claims trust is authorized. A judgment will be prepared.

Dated this 18th day of April, 2011.

A handwritten signature in black ink, appearing to read "Paul Papak", written over a horizontal line.

Honorable Paul Papak
United States Magistrate Judge